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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,693	07/07/1999	WILLIAM R. VAN ETEN	65545-0001	5622

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EXAMINER

KERR, DEBRA E

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,693

Applicant(s)

VAN ET TEN ET AL.

Examiner

Debra E Kerr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 refers back to claim 1 and recites "said predetermined relationships", which lacks proper antecedent basis. Modifying claim 9 to recite -- claim 2 -- would have proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10 and 17-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Povilus (US Patent No. 5,740,425).

As per claim 1, Povilus discloses a procurement system for purchasing a special item, comprising a buyer for purchasing the special item (col. 22, line 40-44), a supplier for supplying the special item to said buyer(col. 44, lines 19-22), and a fulfillment organization for communicating between said buyer and the supplier (col.44, lines 23-

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28), a database associated with said fulfillment organization (col. 13, lines 26-27), a special requisition (col. 12, lines 13-16 and lines 46-52, and col. 35 lines 21-24) and updated information which is obtained from the special requisition and added to the database for future reference (col. 12, lines 10-13 and col. 35, lines 17-20).

As per claim 2, Povilus teaches an electronic multi-manufacturer product catalog (col. 3, lines 20-24), comprising a knowledge base containing predetermined rules (col. 13, lines 25-35) which is linked to a product database (col. 13, lines 29-30) containing normalized product data represented by unique stock keeping unit (SKU) numbers (col. 17, lines 42-44) based on predetermined relationships (col. 17, lines 33-39) in accordance with predetermined rules stored within the knowledge base (col. 14, lines 25-39).

As per claim 3, Povilus teaches an electronic catalog which allows a customer to combine multiple normalized SKUs to configure a special requisition of a custom product with enhanced form or functionality which will be designated by a new normalized SKU (col. 22, lines 40-53) which constitutes a unique description of the special item.

As per claim 8, Povilus discloses a system where the updated special item information is normalized according to predetermined rules and stored within the catalog database (col. 21, lines 32-34 and col. 22, lines 10-19).

As per claim 9, Povilus teaches an electronic catalog which comprises predetermined relationships including class (col. 13, line 52 – col. 14, line 12), attribute (col. 14, lines 13-18) and value characteristics (col. 15 lines 23-32).

As per claim 10, Povilus teaches a procurement system including a normalized catalog database with unique items identified by class, attribute and value relationships (col. 3, lines 10-13 and col. 17, lines 42-46), a knowledge base with a set of predetermined rules for converting free form catalog information into the normalized catalog database (col. 14, lines 25-33 and col. 19, lines 64-67), an item selection procedure for locating a desired item within the catalog database (col. 48, lines 4-36), and an item specifying procedure which is invoked when the desired item can't be located in the catalog (col. 22, lines 40-53).

As per claims 17-19, Povilus teaches a procurement system including establishing a normalized database of catalog items based on predetermined relationships including class, attribute and value characteristics (col. 3, lines 10-13 and col. 17, lines 42-46), determining rules for converting free form information associated with catalog items into the normalized database (col. 13, lines 25-28 and col. 19, lines 64-67), processing a request for a special item not located within the catalog database using the predetermined relationships (col. 11 line 65 – col. 12 line 33), specifying an additional relationship including at least one class (col. 13, line 52 – col. 14, line 12), attribute (col. 14, lines 15-18) or value (col. 15 lines 23-32) to uniquely identify a new item, incorporating the new class, attribute or value from the specifying step into the determining rules (col. 34, lines 30), and adding the special item to the database using the updated rules (col. 36 line 6 – col. 37 line 13).

As per claim 20, Povilus teaches searching for an item within a database (col. 8 lines 2-14 and col. 10 lines 27-60), determining that the item is not in the database (col.

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11 lines 4-58), creating a structured requisition for said item (see generating an item specification based on a combination of SKU's, col 11 line 66 – col. 12 line 16), transmitting the structured requisition to a potential supplier (col. 34 lines 3-8), locating a desired supplier for the item (col. 12, lines 16-19), and adding the item to the database (col. 36 lines 49-51).

As per claim 21, Povilus teaches normalizing the catalog database by categorizing a new item in accordance with class, attribute and value relationships (col. 9, lines 26-52).

As per claim 22, Povilus teaches a system where the step of creating a structured requisition for an item includes the step of identifying normalized relationships for the item (col. 12, lines 5-13).

As per claim 23, Povilus teaches a system where the transmitting step includes the step of automatically identifying a potential supplier using normalized relationships (col. 12, lines 16-19 and lines 48-52).

As per claim 24, Povilus teaches a system where the step of locating a desired supplier for an item includes the step of creating a new relationship uniquely identifying the item by updating normalized relationships (col. 37, lines 15-33).

As per claim 25, Povilus teaches a system which uses a new relationship to add a new item to the database (col. 34, lines 22-36).

As per claim 26 Povilus teaches a system including a knowledge base and free form data (col. 30, lines 1-6), adding a new relationship to the knowledge base (col. 36,

lines 18-21), processing free form data through the knowledge base (col. 36, lines 47-51), and updating the database (col. 38, lines 11-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4- 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Dudle et al., and further in view of Conklin et al. (US Patent No. 6,338,050).

Povilus substantially discloses the invention, including adding a new predetermined rule to uniquely identify a special item (col. 34, lines 13-36 and col. 36, lines 18-39), and a fulfillment organization normalizing the updated data received from the supplier (col. 34, lines 22-30) based on identical classes and attributes (col. 36, lines 18-22 and lines 34-40). Povilus does not specifically teach a special requisition including a proposed modification to a predetermined relationship, a supplier reviewing the special requisition, basing the new predetermined rule on updated information within a special requisition, or a buyer comparing the updated information as a basis for comparison between each special item available for purchase. Dudle et al. teaches a product estimating and order processing system in which custom item specifications are stored for use as a template for designing further custom business forms (col. 10, lines

27-34), and which allows for a supplier to review a custom product order and make changes as needed (col. 14, lines 47-67). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for updating an electronic catalog to reflect a new product offering with Dudle et al.'s custom order processing system in order to allow a manufacturer to quickly add a new item produced for a special requisition to its online catalog in order to sell to the general public instead of selling only to the buyer who requested the product initially, thereby generating increased revenue into the future.

Povilus and Dudle et al. do not teach a system where a plurality of suppliers review a special requisition and forward updated information for comparison by the buyer. Conklin et al. disclose a multivariate negotiations engine which allows a buyer to submit a Request for Proposal or Request for Quote to multiple sellers (col. 20, lines 23-30) (col. 6, lines 19-20 and 25-32). It would have been obvious to one having ordinary skill in the art to combine Conklin et al.'s multivariate negotiations engine with Povilus's method for updating an electronic catalog and Dudle et al.'s custom order processing system in order to allow multiple manufacturers to respond to a special requisition placed by a buyer and compete with each other on an equal footing in order to potentially increase each manufacturer's sales.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Conklin et al. (US Patent No. 6,338,050).

Povilus substantially discloses the invention, including a system wherein suppliers are identified with specific predetermined relationships (col. 17, lines 49-54).

Povilus does not teach a fulfillment organization selecting a plurality of suppliers to receive and review a special requisition. Conklin et al. disclose a negotiations system which comprises a sponsor who creates and administers a negotiation engine for participation between buyers and sellers (col. 14, lines 1-19), including setting rules for supplier participation to determine that a supplier can fulfill a buyer's requirements (col. 28, lines 46-51). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogues with Conklin et al.'s negotiation engine in order to create a commercial community with a set of rules administered impartially for buyers and sellers by an administrator.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Dudle et al. (US Patent No. 5,570,291).

As per claims 11 and 12, Povilus substantially discloses the invention but does not disclose a procurement system where a structured requisition with a new class, attribute or value added to preexisting relationships to uniquely identify a desired item is automatically sent to suppliers who were identified by the relationships used to create the structured requisition. Dudle et al. disclose a system wherein a structured requisition is created by modifying an existing item specification which is stored in the database (col. 11, lines 57-63), and wherein a supplier for a structured requisition can be identified based on analysis of which supplier is equipped to most efficiently produce the custom item specifications stored in the database (col. 8, lines 14-24), and can be automatically selected by the system in the course of generating a production order (col. 15, lines 41-44 and 52-54). It would have been obvious to one having ordinary skill in

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the art to combine Povilus's method for publishing electronic catalogues with Dudle et al.'s custom product ordering system so that a customer who wishes to place a special order can do so directly from the online catalog system and save time.

As per claims 13 -16, Povilus substantially discloses the invention, including a new predetermined rule which uniquely identifies a desired item being added to a knowledge base to provide an update to class, attribute and value relationships (col. 41, lines 31-47), storing identifying information concerning the desired item in the database in accordance with predetermined relationships (col. 34, lines 13-36), and a new desired item becoming a catalog item available through the selection procedure (col. 34, lines 28-30 and col. 43, lines 27-30). Povilus does not disclose a system where a structured requisition is used to develop a new predetermined rule for uniquely identifying the desired item. Dudle et al. disclose a system with a rules selection subsystem which allows users to add rules as guidelines for creating a custom matrix for a specific customer and storing the rules in the database for future reference (col. 18, lines 4-15). It would have been obvious to one having ordinary skill in the art to combine Povilus's method for publishing electronic catalogues with Dudle et al.'s custom product ordering system so that a manufacturer of a custom item can make its catalog customers aware that the new product exists and sell to a wider market.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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King, Jr. et al. teach a system for ordering items using an electronic catalog.

Gardner et al. teach an electronic requisition and authorization process.

Walker et al. teach a commercial network system designed to facilitate buyer-driven conditional purchase offers.

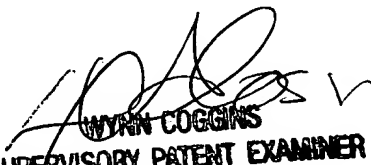
Geier et al. teach an order entry system having catalog assistance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached on 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 305-1440. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

February 7, 2002


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